

AMENDED IN ASSEMBLY FEBRUARY 2, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 65**

---

**Introduced by Assembly Member Gatto**

December 9, 2010

---

An act to amend ~~Section 9087~~ Sections 9084 and 9086 of the Elections Code, and to amend ~~Section 88003~~ Sections 88001 and 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 65, as amended, Gatto. ~~Initiatives: fiscal impact; disclaimer.~~  
*Elections: statewide ballot pamphlet.*

*Existing law specifies information that must be included in the statewide ballot pamphlet for each state measure to be voted upon.*

*This bill would require the Secretary of State to include in the ballot pamphlet a list of the 5 highest contributors of \$50,000 or more to each primarily formed committee supporting each state measure, as well as the total amount of their contributions, as of 110 days before election day.*

*The Political Reform Act of 1974, an initiative measure, generally provides that the Legislature may amend the act to further the act's purposes upon a <sup>2</sup>/<sub>3</sub> vote of each house and compliance with specified procedural requirements.*

*The act also provides that, notwithstanding this requirement, the Legislature may amend specified provisions to add to the ballot pamphlet information regarding candidates or other information.*

*This bill, which would permit or require additional information to be included in the ballot pamphlet, would therefore require a majority vote.*

~~Existing law requires that a ballot pamphlet containing information regarding each statewide measure to appear on a statewide election ballot be prepared by the Secretary of State. Existing law further requires the Legislative Analyst to prepare for the ballot pamphlet an analysis of each statewide measure, including a fiscal analysis of each measure showing the amount of any increase or decrease in revenue or cost to state or local government. Existing law requires that for a statewide measure that would result in increased cost to the state, that the Legislative Analyst provide an analysis of the measure's estimated impact on the state, including an estimate of the percentage of the General Fund that would be expended due to the measure.~~

~~This bill would further require that, if the Legislative Analyst determines that an initiative measure on the ballot would have a fiscal impact on the General Fund for which additional revenues in an amount that meets or exceeds the net increase in costs are not provided, a statement be included in the ballot pamphlet that the initiative measure will have an impact on the state's General Fund, which will affect the ability of the Legislature to provide funding for enumerated General Fund purposes.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.~~

~~The act also provides that, notwithstanding this requirement, the Legislature may amend specified provisions to add to the ballot pamphlet information regarding candidates or other information.~~

~~This bill, which would permit or require additional information to be included in the ballot pamphlet, would therefore require a majority vote.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 9084 of the Elections Code is amended*
- 2     *to read:*
- 3     9084. (a) The ballot pamphlet shall contain all of the
- 4     following:
- 5     (a)
- 6     (1) A complete copy of each state measure.
- 7     (b)

(2) A copy of the specific constitutional or statutory provision, if any, that each state measure would repeal or revise.

~~(e)~~

(3) A copy of the arguments and rebuttals for and against each state measure.

~~(d)~~

(4) A copy of the analysis of each state measure.

~~(e)~~

(5) Tables of contents, indexes, art work, graphics, and other materials that the Secretary of State determines will make the ballot pamphlet easier to understand or more useful for the average voter.

~~(f)~~

(6) A notice, conspicuously printed on the cover of the ballot pamphlet, indicating that additional copies of the ballot pamphlet will be mailed by the county elections official upon request.

~~(g)~~

(7) A written explanation of the judicial retention procedure as required by Section 9083.

~~(h)~~

(8) The Voter Bill of Rights pursuant to Section 2300.

*(9) A list of the five highest contributors of fifty thousand dollars (\$50,000) or more to each primarily formed committee supporting each state measure and the total amount of each of their contributions. Following the list shall be a statement that the list reflects only the highest contributors of fifty thousand dollars (\$50,000) or more as of 110 days before election day. For purposes of this paragraph, all of the following apply:*

*(A) If a contributor is a committee controlled by a candidate, the name of the candidate shall be listed.*

*(B) If a contributor is a sponsored committee, the name of the sponsor shall be listed.*

*(C) The definitions set forth in Chapter 2 (commencing with Section 82000) of Title 9 of the Government Code apply to this paragraph.*

~~(i)~~

*(b) If the ballot contains an election for the office of United States Senator, the ballot pamphlet shall contain information on the candidates for United States Senator. A candidate for United States Senator may purchase the space to place a statement in the state ballot pamphlet that does not exceed 250 words. The*

1 statement may not make any reference to any opponent of the  
2 candidate. The statement ~~shall~~ *may* be submitted in accordance  
3 with timeframes and procedures set forth by the Secretary of State  
4 for the preparation of the state ballot pamphlet.

5 ~~(j)~~

6 (c) If the ballot contains a question on the confirmation or  
7 retention of a justice of the Supreme Court, *the ballot pamphlet*  
8 *shall contain* information on *the* justices of the Supreme Court  
9 who are subject to confirmation or retention.

10 ~~(k)~~

11 (d) If the ballot contains an election for the offices of President  
12 and Vice President of the United States, *the ballot pamphlet shall*  
13 *contain* a notice that refers voters to the Secretary of State's Internet  
14 Web site for information about *the* candidates for the offices of  
15 President and Vice President of the United States.

16 SEC. 2. Section 9086 of the Elections Code is amended to read:

17 9086. The ballot pamphlet shall contain as to each state measure  
18 to be voted upon, the following, in the order set forth in this  
19 section:

20 (a) Upon the top portion of the first page, and not exceeding  
21 one-third of the page, shall appear:

22 (1) Identification of the measure by number and title.

23 (2) The official summary prepared by the Attorney General.

24 (3) The total number of votes cast for and against the measure  
25 in both the State Senate and Assembly, if the measure was passed  
26 by the Legislature.

27 (b) Beginning at the top of the right page shall appear the  
28 analysis prepared by the Legislative Analyst, provided that the  
29 analysis fits on a single page. If it does not fit on a single page,  
30 the analysis shall begin on the lower portion of the first left page  
31 and shall continue on subsequent pages until it is completed.

32 (c) *Immediately below the analysis by the Legislative Analyst*  
33 *shall appear the list of the five highest contributors of fifty thousand*  
34 *dollars (\$50,000) or more to each primarily formed committee*  
35 *supporting each state measure, as required by paragraph (9) of*  
36 *subdivision (a) of Section 9084.*

37 ~~(e)~~

38 (d) Arguments for and against the measure shall be placed on  
39 the next left and right pages, respectively, following the final page

1 of the analysis of the Legislative Analyst. The rebuttals shall be  
2 placed immediately below the arguments.

3 ~~(d)~~

4 (e) If no argument against the measure has been submitted, the  
5 argument for the measure shall appear on the right page facing the  
6 analysis.

7 ~~(e)~~

8 (f) The complete text of each measure shall appear at the back  
9 of the pamphlet. The text of the measure shall contain the  
10 provisions of the proposed measure and the existing provisions of  
11 law repealed or revised by the measure. The provisions of the  
12 proposed measure differing from the existing provisions of law  
13 affected shall be distinguished in print, so as to facilitate  
14 comparison.

15 ~~(f)~~

16 (g) The following statement shall be printed at the bottom of  
17 each page where arguments appear: "Arguments printed on this  
18 page are the opinions of the authors, and have not been checked  
19 for accuracy by any official agency."

20 *SEC. 3. Section 88001 of the Government Code is amended to*  
21 *read:*

22 88001. (a) The ballot pamphlet shall contain all of the  
23 following:

24 ~~(a)~~

25 (1) A complete copy of each state measure.

26 ~~(b)~~

27 (2) A copy of the specific constitutional or statutory provision,  
28 if any, that would be repealed or revised by each state measure.

29 ~~(c)~~

30 (3) A copy of the arguments and rebuttals for and against each  
31 state measure.

32 ~~(d)~~

33 (4) A copy of the analysis of each state measure.

34 ~~(e)~~

35 (5) Tables of contents, indexes, art work, graphics, and other  
36 materials that the Secretary of State determines will make the ballot  
37 pamphlet easier to understand or more useful for the average voter.

38 ~~(f)~~

1 (6) A notice, conspicuously printed on the cover of the ballot  
2 pamphlet, indicating that additional copies of the ballot pamphlet  
3 will be mailed by the county elections official upon request.

4 ~~(g)~~

5 (7) A written explanation of the judicial retention procedure as  
6 required by Section 9083 of the Elections Code.

7 ~~(h)~~

8 (8) The Voter Bill of Rights pursuant to Section 2300 of the  
9 Elections Code.

10 (9) *A list of the five highest contributors of fifty thousand dollars*  
11 *(\$50,000) or more to each primarily formed committee supporting*  
12 *each state measure and the total amount of each of their*  
13 *contributions as of 110 days before election day. Following the*  
14 *list shall be a statement that the list only reflects the highest*  
15 *contributors of fifty thousand dollars (\$50,000) or more as of 110*  
16 *days before election day. For purposes of this paragraph, all of*  
17 *the following apply:*

18 (A) *If a contributor is a committee controlled by a candidate,*  
19 *the name of the candidate shall be listed.*

20 (B) *If a contributor is a sponsored committee, the name of the*  
21 *sponsor shall be listed.*

22 ~~(i)~~

23 (b) If the ballot contains an election for the office of United  
24 States Senator, *the ballot pamphlet shall contain* information on  
25 *the* candidates for United States Senator. A candidate for United  
26 States Senator may purchase the space to place a statement in the  
27 state ballot pamphlet that does not exceed 250 words. The  
28 statement ~~may~~ *shall* not make any reference to any opponent of  
29 the candidate. The statement shall be submitted in accordance with  
30 timeframes and procedures set forth by the Secretary of State for  
31 the preparation of the state ballot pamphlet.

32 ~~(j)~~

33 (c) If the ballot contains a question as to the confirmation or  
34 retention of a justice of the Supreme Court, *the ballot pamphlet*  
35 *shall contain* information on *the* justices of the Supreme Court  
36 who are subject to confirmation or retention.

37 ~~(k)~~

38 (d) If the ballot contains an election for the offices of President  
39 and Vice President of the United States, *the ballot pamphlet shall*  
40 *contain* a notice that refers voters to the Secretary of State's Internet

1 Web site for information about *the* candidates for the offices of  
2 President and Vice President of the United States.

3 ~~(f)~~

4 (e) A written explanation of the appropriate election procedures  
5 for party-nominated, voter-nominated, and nonpartisan offices as  
6 required by Section 9083.5 of the Elections Code.

7 *SEC. 4. Section 88002 of the Government Code is amended to*  
8 *read:*

9 88002. The ballot pamphlet shall contain as to each state  
10 measure to be voted upon, the following in the order set forth in  
11 this section:

12 (a) Upon the top portion of the first page and not exceeding  
13 one-third of the page shall appear:

14 (1) The identification of the measure by number and title.

15 (2) The official summary prepared by the Attorney General.

16 (3) The total number of votes cast for and against the measure  
17 in both the State Senate and Assembly if the measure was passed  
18 by the Legislature.

19 (b) Beginning at the top of the right page shall appear the  
20 analysis prepared by the Legislative Analyst, provided that the  
21 analysis fits on a single page. If it does not fit on a single page,  
22 then the analysis shall begin on the lower portion of the first left  
23 page and shall continue on subsequent pages until it is completed.

24 (c) *Immediately below the analysis by the Legislative Analyst*  
25 *shall appear the list of the five highest contributors of fifty thousand*  
26 *dollars (\$50,000) or more to each primarily formed committee*  
27 *supporting each state measure, as required by paragraph (9) of*  
28 *subdivision (a) of Section 88001.*

29 ~~(e)~~

30 (d) Arguments for and against the measure shall be placed on  
31 the next left and right pages, respectively, following the page on  
32 which the analysis of the Legislative Analyst ends. The rebuttals  
33 shall be placed immediately below the arguments.

34 ~~(d)~~

35 (e) If no argument against the measure has been submitted, the  
36 argument for the measure shall appear on the right page facing the  
37 analysis.

38 ~~(e)~~

39 (f) The complete text of each measure shall appear at the back  
40 of the pamphlet. The text of the measure shall contain the

1 provisions of the proposed measure and the existing provisions of  
2 law repealed or revised by the measure. The provisions of the  
3 proposed measure differing from the existing provisions of law  
4 affected shall be distinguished in print, so as to facilitate  
5 comparison.

6 (f)

7 (g) The following statement shall be printed at the bottom of  
8 each page where arguments appear: “Arguments printed on this  
9 page are the opinions of the authors and have not been checked  
10 for accuracy by any official agency.”

11 *SEC. 5. The Legislature finds and declares that this act amends*  
12 *the Political Reform Act of 1974 by permitting or requiring the*  
13 *inclusion of additional information on the ballot pamphlet in*  
14 *accordance with Section 88007 of the Government Code.*

15 ~~SECTION 1. Section 9087 of the Elections Code is amended~~  
16 ~~to read:~~

17 ~~9087.—(a) (1) The Legislative Analyst shall prepare an~~  
18 ~~impartial analysis of the measure describing the measure and~~  
19 ~~including a fiscal analysis of the measure showing the amount of~~  
20 ~~any increase or decrease in revenue or cost to state or local~~  
21 ~~government. If it is estimated that a measure would result in~~  
22 ~~increased cost to the state, an analysis of the measure’s estimated~~  
23 ~~impact on the state shall be provided, including an estimate of the~~  
24 ~~percentage of the General Fund that would be expended due to the~~  
25 ~~measure, using visual aids when appropriate. An estimate of~~  
26 ~~increased cost to the state or local governments shall be set out in~~  
27 ~~boldface print in the ballot pamphlet.~~

28 ~~(2) The Legislative Analyst’s analysis required in paragraph (1)~~  
29 ~~shall also determine whether an initiative measure will have a~~  
30 ~~fiscal impact on the General Fund for which additional revenues~~  
31 ~~in an amount that meets or exceeds the net increase in costs that~~  
32 ~~impact the General Fund are not provided. If the Legislative~~  
33 ~~Analyst determines that such additional revenues are not provided~~  
34 ~~by the measure, the ballot pamphlet shall include the following~~  
35 ~~statement:~~

36 ~~“This initiative measure will have an impact on the state’s~~  
37 ~~General Fund, which will affect the ability of the Legislature to~~  
38 ~~provide funding for such General Fund purposes as public K–12~~  
39 ~~education, higher education, public health and human services~~  
40 ~~programs, and environmental protection, and such state and local~~



1 funding priorities as public safety, police, and fire protection, even  
2 during times of crisis.”

3 ~~(b) The analysis shall be written in clear and concise terms, so~~  
4 ~~as to be easily understood by the average voter, and shall avoid~~  
5 ~~the use of technical terms wherever possible. The analysis may~~  
6 ~~contain background information, including the effect of the~~  
7 ~~measure on existing law and the effect of enacted legislation which~~  
8 ~~will become effective if the measure is adopted, and shall generally~~  
9 ~~set forth in an impartial manner the information the average voter~~  
10 ~~needs to adequately understand the measure. To the extent~~  
11 ~~practicable, the Legislative Analyst shall utilize a uniform method~~  
12 ~~in each analysis to describe the estimated increase or decrease in~~  
13 ~~revenue or cost of a measure, so that the average voter may draw~~  
14 ~~comparisons among the fiscal impacts of measures. The condensed~~  
15 ~~statement of the fiscal impact summary for the measure prepared~~  
16 ~~by the Attorney General to appear on the ballot shall contain the~~  
17 ~~uniform estimate of increase or decrease in revenue or cost of the~~  
18 ~~measure prepared pursuant to this subdivision.~~

19 ~~(c) The Legislative Analyst may contract with a professional~~  
20 ~~writer, educational specialist, or another person for assistance in~~  
21 ~~writing an analysis that fulfills the requirements of this section,~~  
22 ~~including the requirement that the analysis be written so that it~~  
23 ~~will be easily understood by the average voter. The Legislative~~  
24 ~~Analyst may also request the assistance of a state department,~~  
25 ~~agency, or official in preparing his or her analysis.~~

26 ~~(d) Prior to submitting the analysis to the Secretary of State, the~~  
27 ~~Legislative Analyst shall submit the analysis to a committee of~~  
28 ~~five persons, appointed by the Legislative Analyst, for the purpose~~  
29 ~~of reviewing the analysis to confirm its clarity and easy~~  
30 ~~comprehension to the average voter. The committee shall be drawn~~  
31 ~~from the public at large, and one member shall be a specialist in~~  
32 ~~education, one member shall be bilingual, and one member shall~~  
33 ~~be a professional writer. Members of the committee shall be~~  
34 ~~reimbursed for reasonable and necessary expenses incurred in~~  
35 ~~performing their duties. Within five days of the submission of the~~  
36 ~~analysis to the committee, the committee shall make~~  
37 ~~recommendations to the Legislative Analyst as it deems appropriate~~  
38 ~~to guarantee that the analysis can be easily understood by the~~  
39 ~~average voter. The Legislative Analyst shall consider the~~  
40 ~~committee’s recommendations, and he or she shall incorporate in~~

1 the analysis those changes recommended by the committee that  
2 he or she deems to be appropriate. The Legislative Analyst is solely  
3 responsible for determining the content of the analysis required  
4 by this section.

5 (e) The title of the measure that appears on the ballot shall be  
6 amended to contain a summary of the Legislative Analyst's  
7 estimate of the net state and local government fiscal impact.

8 SEC. 2. Section 88003 of the Government Code is amended  
9 to read:

10 88003. (a) (1) The Legislative Analyst shall prepare an  
11 impartial analysis of the measure describing the measure and  
12 including a fiscal analysis of the measure showing the amount of  
13 any increase or decrease in revenue or cost to state or local  
14 government. If it is estimated that a measure would result in  
15 increased cost to the state, an analysis of the measure's estimated  
16 impact on the state shall be provided, including an estimate of the  
17 percentage of the General Fund that would be expended due to the  
18 measure, using visual aids when appropriate. An estimate of  
19 increased cost to the state or local governments shall be set out in  
20 boldface print in the ballot pamphlet.

21 (2) The Legislative Analyst's analysis required in paragraph (1)  
22 shall also determine whether an initiative measure will have a  
23 fiscal impact on the General Fund for which additional revenues  
24 in an amount that meets or exceeds the net increase in costs that  
25 impact the General Fund are not provided. If the Legislative  
26 Analyst determines that such additional revenues are not provided  
27 by the measure, the ballot pamphlet shall include the following  
28 statement:

29 "This initiative measure will have an impact on the state's  
30 General Fund, which will affect the ability of the Legislature to  
31 provide funding for such General Fund purposes as public K-12  
32 education, higher education, public health and human services  
33 programs, and environmental protection, and such state and local  
34 funding priorities as public safety, police, and fire protection, even  
35 during times of crisis."

36 (b) The analysis shall be written in clear and concise terms, so  
37 as to be easily understood by the average voter, and shall avoid  
38 the use of technical terms wherever possible. The analysis may  
39 contain background information, including the effect of the  
40 measure on existing law and the effect of enacted legislation which

1 will become effective if the measure is adopted, and shall generally  
2 set forth in an impartial manner the information the average voter  
3 needs to adequately understand the measure. To the extent  
4 practicable, the Legislative Analyst shall utilize a uniform method  
5 in each analysis to describe the estimated increase or decrease in  
6 revenue or cost of a measure, so that the average voter may draw  
7 comparisons among the fiscal impacts of measures. The condensed  
8 statement of the fiscal impact summary for the measure prepared  
9 by the Attorney General to appear on the ballot shall contain the  
10 uniform estimate of increase or decrease in revenue or cost of the  
11 measure prepared pursuant to this subdivision.

12 ~~(e) The Legislative Analyst may contract with a professional~~  
13 ~~writer, educational specialist, or another person for assistance in~~  
14 ~~writing an analysis that fulfills the requirements of this section;~~  
15 ~~including the requirement that the analysis be written so that it~~  
16 ~~will be easily understood by the average voter. The Legislative~~  
17 ~~Analyst may also request the assistance of a state department,~~  
18 ~~agency, or official in preparing his or her analysis.~~

19 ~~(d) Prior to submitting the analysis to the Secretary of State, the~~  
20 ~~Legislative Analyst shall submit the analysis to a committee of~~  
21 ~~five persons appointed by the Legislative Analyst, for the purpose~~  
22 ~~of reviewing the analysis to confirm its clarity and easy~~  
23 ~~comprehension to the average voter. The committee shall be drawn~~  
24 ~~from the public at large, and one member shall be a specialist in~~  
25 ~~education, one member shall be bilingual, and one member shall~~  
26 ~~be a professional writer. Members of the committee shall be~~  
27 ~~reimbursed for reasonable and necessary expenses incurred in~~  
28 ~~performing their duties. Within five days of the submission of the~~  
29 ~~analysis to the committee, the committee shall make~~  
30 ~~recommendations to the Legislative Analyst as it deems appropriate~~  
31 ~~to guarantee that the analysis can be easily understood by the~~  
32 ~~average voter. The Legislative Analyst shall consider the~~  
33 ~~committee's recommendations, and he or she shall incorporate in~~  
34 ~~the analysis those changes recommended by the committee that~~  
35 ~~he or she deems to be appropriate. The Legislative Analyst is solely~~  
36 ~~responsible for determining the content of the analysis required~~  
37 ~~by this section.~~

38 ~~(e) The title of the measure that appears on the ballot shall be~~  
39 ~~amended to contain a summary of the Legislative Analyst's~~  
40 ~~estimate of the net state and local government fiscal impact.~~

1     ~~SEC. 3. The Legislature finds and declares that this act amends~~  
2     ~~the Political Reform Act of 1974 by permitting or requiring the~~  
3     ~~inclusion of additional information on the ballot pamphlet in~~  
4     ~~accordance with Section 88007 of the Government Code.~~

O